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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/916,704	07/26/2001	Jean M. Goldschmidt Iki	42390P6487C	9062

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EXAMINER

YIMAM, HARUN M

ART UNIT

PAPER NUMBER

2623

DATE MAILED: 03/24/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

09/916,704

Applicant(s)

GOLDSCHMIDT IKI ET AL.

Examiner

Harun M. Yimam

Art Unit

2623

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 06 March 2006 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: 1-20.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). _____
13. ☐ Other: _____.


Continuation of 11. does NOT place the application in condition for allowance because:

Applicants argue (page 3, 3rd paragraph - page 4, 3rd paragraph) that Matthews fails to disclose the claimed limitations of claim 1. In response to applicant's arguments (page 3, 3rd paragraph - page 4, 3rd paragraph) that Matthews fails to disclose the claimed limitations of claim 1, Applicants should note that First, only the video data of the entertainment selections is displayed on the corresponding windows and not the actual moving images themselves (Matthews discloses the selection of a video programming tile-102 using a keypad-90-column 4, lines 35-43). Second, the Examiner reads the third limitation of claim 1 on the display of moving images for the corresponding entertainment selection by the user (Matthews-column 5, lines 6-30), whereas claim 8 calls for a full-screen display of said entertainment selection (Broadwin-column 18, lines 5-8 and 33-37).

In response to applicant's argument (page 9, 5th paragraph) that there is no disclosure in Matthews of a description of the respective entertainment selection, the Examiner cites figure 4 and column 5, lines 16-28, wherein the tuned programming rendered within the video programming tile equates to the description of the respective selection. Furthermore, Matthews explicitly discloses that each video programming tile 102 in figure 4 includes a name corresponding to the selected programming i.e., description of the respective selection (column 4, lines 56-61).

In response to applicant's argument (page 9, 6th paragraph) that a channel is not an entertainment selection but a source of an entertainment selections, the Examiner elucidates that the selection of a channel is followed by the display of an entertainment system data. Claims 10, 15, and 20 call for receiving a preferred trait from the user, the trait being related to at least one entertainment selection. Column 10, lines 38-40 in Matthews discloses receiving a preferred trait from the user (viewer groups together channels most frequently accessed i.e., thereby characterizing those channels). The characterization of the most frequently accessed channels by the user is related to at least one entertainment selection.

In response to applicant's argument (page 10, 1st paragraph) that Broadwin fails to overcome any of the shortcomings of Matthews, Applicants should note that Matthews fails to disclose a full-screen display of the corresponding entertainment selection upon selection by the user of the respective window. In analogous art, Broadwin discloses thumbprints of MPEG still images (figure 18) that may be selected to a full-screen display (column 18, lines 5-8 and 33-37). Therefore, Broadwin's disclosure clearly overcomes the shortcomings of Matthews.


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